

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Teachers4Action et al,		X	
	Plaintiffs	:	Civil Action #
v.		:	08-cv-548 (VM)(AJP)
		:	
Bloomberg et al,		:	
	Defendants.	:	
		X	

---

**MOTION FOR FOLLOWING MISCELLANEOUS RELIEF (i) ORDER  
RELIEVING ED FAGAN AS COUNSEL FOR CERTAIN PLAINTIFFS /  
FORMER TEACHERS4ACTION MEMBERS, (ii) ORDER GRANTING  
CHARGING LIEN PURSUANT TO NY JUDICIARY LAW § 475, (iii) ORDER  
PURSUANT TO FRCP 42 (b) SEVERING FORMER TEACHERS4ACTION  
MEMBER CLAIMS AND (iv) FOR OTHER RELIEF**

---

PLEASE TAKE NOTICE that the above referenced will move this Honorable Court, as soon as counsel can be heard, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, Courtroom 20 D, before the Honorable Andrew J. Peck, USMJ, for, among other things,

1. An Order Relieving Edward Fagan as Counsel of Record for Marie Addoo and Karen Ornstein;
2. An Order granting a charging lien, pursuant to Judiciary Law § 475 as against claims and/or potential settlements for reimbursement of pro-rata share of out of pocket expenses and *quantum meruit* value of services provided to date to/for Marie Addoo and Karen Ornstein;
3. An Order, pursuant to FRCP 42 (b), severing the claims of Marie Addoo and Karen Ornstein; and
4. For Such other and Further Relief as the Court deems just and equitable.

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Movants shall rely upon the attached (i) Joint Declarations of Teachers4Action Executive Committee and (ii) Declaration / Statement of Authorities of Edward D. Fagan.

**PLEASE TAKE FURTHER NOTICE** that opposition, if any, should be filed in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District.

Dated: May 29, 2008  
New York, NY

/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan Esq.  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, NY 10001  
Tel. (646) 378-2225  
Plaintiffs' Counsel

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing

**MOTION FOR FOLLOWING MISCELLANEOUS RELIEF (i) ORDER  
RELIEVING ED FAGAN AS COUNSEL FOR CERTAIN PLAINTIFFS /  
FORMER TEACHERS4ACTION MEMBERS, (ii) ORDER GRANTING  
CHARGING LIEN PURSUANT TO NY JUDICIARY LAW § 475, (iii) ORDER  
PURSUANT TO FRCP 42 (b) SEVERING FORMER TEACHERS4ACTION  
MEMBER CLAIMS AND (iv) FOR OTHER RELIEF**

along with supporting Affidavits/Declarations and Accompanying Memorandum of Law  
are being electronically filed with the Clerk of the Court.

Hard copies of the papers are being hand delivered and mailed with proof of receipt  
requested to:

Marie Addoo, 59-10 Queens Blvd., Woodside, NY 11377

Karen Ornstein, 5444 Little Neck Parkway, Apt 3-D, Little Neck, NY 11362

In addition, courtesy copies of the papers will be electronically transmitted and/or mailed  
to each of the counsel of record in all matters.

Dated: May 29, 2008  
New York, NY

/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan, Esq.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Teachers4Action et al,	X		
	:		Civil Action #
v.	:		08-cv-548 (VM)(AJP)
	:		
	:		
Bloomberg et al,	:		
	:		
	:		
	X		

---

**JOINT DECLARATION OF TEACHERS4ACTION EXECUTIVE COMMITTEE  
IN SUPPORT OF MOTION FOR FOLLOWING MISCELLANEOUS RELIEF (i)  
ORDER RELIEVING ED FAGAN AS COUNSEL FOR CERTAIN PLAINTIFFS /  
FORMER TEACHERS4ACTION MEMBERS, (ii) ORDER GRANTING  
CHARGING LIEN PURSUANT TO NY JUDICIARY LAW § 475, (iii) ORDER  
PURSUANT TO FRCP 42 (b) SEVERING FORMER TEACHERS4ACTION  
MEMBER CLAIMS AND (iv) FOR OTHER RELIEF**

---

Plaintiff Teachers4Action by its Executive Committee Members, hereby declares  
and says, as follows:

1. Teachers4Action is a not for profit membership corporation in the State of New York.
2. Marie Addoo and Karen Ornstein joined Teachers4Action in or about January/February 2008.
3. At the time they joined Teachers4Action, Marie Addoo and Karen Ornstein sought to benefit from among other things:
  - a. actions being taken by Teachers4Action itself and on behalf of its members in US Federal Courts;
  - b. actions being taken by Teachers4Action itself and on behalf of its members in NY State Courts; and

- c. actions being taken by Teachers4Action itself and on behalf of its members in or in relation to 3020-a administrative / disciplinary hearings.
- 4. As part of their obligations of ongoing membership in Teachers4Action, Marie Addoo and Karen Ornstein committed to among other things:
  - a. cooperate with Teachers4Action and its counsel;
  - b. maintain confidentiality related to Teachers4Action strategies, litigation and activities; and
  - c. refrain from taking and/or engaging in any actions that were detrimental to Teachers4Action, other Teachers4Action members or their collective or individual claims, Teachers4Action overall goals and purposes.
- 5. Starting on or about mid-May 2008, Marie Addoo and Karen Ornstein breached their obligations to Teachers4Action and its counsel, by failing to cooperate, breaching confidentiality and taking or engaging in other actions detrimental to Teachers4Action, other members and/or its counsel.
- 6. In particular, Marie Addoo and Karen Ornstein, without prior notification to and/or consent of the Teachers4Action Executive Committee or its counsel, agreed to meet with UFT Representative and Individual Defendant Betsy Combier (“Combier”) , who Teachers4Action has learned was sent by Defendant United Federation of Teachers (“UFT”) with the knowledge, assistance and support of Defendant Department of Education (“DOE”) into the Queens “Rubber Room” to,

among other things, further harass Teachers4Action members, interfere with Teachers4Action claims and intimidate Teachers4Action members.<sup>1</sup>

7. Prior to the filing of this Motion, Teachers4Action, its Executive Committee and counsel sought, to no avail, to avoid the necessity of this application.
8. Prior to the filing of this Motion, Marie Addoo and Karen Ornstein refused to honor their membership and contractual obligations to Teachers4Action and counsel.
9. As a result of their refusal to honor their aforesaid obligations, Teachers4Action Executive Committee unanimously terminated the membership of Marie Addoo and Karen Ornstein.
10. From January / February 2008, Teachers4Action and its counsel have expended and/or incurred significant out of pocket expenses and provided legal and other services, for which Marie Addoo and Karen Ornstein are obligated to but for which they have yet to pay.
11. In view of the foregoing, Teachers4Action prays the Court grant the relief sought in this motion.

**DECLARATION PURSUANT TO 28 USC § 1746**

I hereby declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

Dated: May 29, 2008



\_\_\_\_\_  
Florian Lewenstein  
President Teachers4Action & Plaintiff

---

<sup>1</sup> These actions by Defendants DOE, UFT and Combier will be the subject of separate applications for relief.

Dated: May 29, 2008



---

Mauricio Zapata  
Vice President Teachers4Action & Plaintiff

Dated: May 29, 2008



---

Michael McLoughlin  
Treasurer Teachers4Action & Plaintiff

Dated: May 29, 2008



---

Michael Hollander  
Secretary Teachers4Action & Plaintiff

Dated: May 29, 2008



---

Linda Siefert  
Director Teachers4Action & Plaintiff

Dated: May 29, 2008



---

Jonathan Berlyne  
Director Teachers4Action & Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
<b>Teachers4Action et al,</b>	:	<b>Civil Action #</b>
	:	<b>08-cv-548 (VM)(AJP)</b>
<b>v.</b>	:	
	:	
<b>Bloomberg et al,</b>	:	
	:	
	:	
-----	X	

---

**FAGAN DECLARATION & STATEMENT OF AUTHORITIES IN SUPPORT OF  
MOTION FOR FOLLOWING MISCELLANEOUS RELIEF (i) ORDER  
RELIEVING ED FAGAN AS COUNSEL FOR CERTAIN PLAINTIFFS /  
FORMER TEACHERS4ACTION MEMBERS, (ii) ORDER GRANTING  
CHARGING LIEN PURSUANT TO NY JUDICIARY LAW § 475, (iii) ORDER  
PURSUANT TO FRCP 42 (b) SEVERING FORMER TEACHERS4ACTION  
MEMBER CLAIMS AND (iv) FOR OTHER RELIEF**

---

Edward D. Fagan, hereby declares and says, as follows:

1. I am counsel to Teachers4Action and its members in the above referenced matter.
2. Marie Addoo and Karen Ornstein joined Teachers4Action in or about  
  
January/February 2008 and sought to retain me as their counsel through  
  
Teachers4Action.
3. At the time they joined Teachers4Action, Marie Addoo and Karen Ornstein  
  
sought to benefit from my services related to, among other things:
  - a. actions being taken by Teachers4Action itself and on behalf of its  
  
members in US Federal Courts;
  - b. actions being taken by Teachers4Action itself and on behalf of its  
  
members in NY State Courts; and



- c. actions being taken by Teachers4Action itself and on behalf of its members in or in relation to 3020-a administrative / disciplinary hearings.
- 4. As part of their obligations of ongoing membership in Teachers4Action, Marie Addoo and Karen Ornstein committed to among other things:
  - a. cooperate with Teachers4Action and me;
  - b. maintain confidentiality related to Teachers4Action strategies, litigation and activities; and
  - c. refrain from taking and/or engaging in any actions that were detrimental to Teachers4Action, other Teachers4Action members or their collective or individual claims, Teachers4Action overall goals and purposes.
- 5. Starting on or about mid-May 2008, Marie Addoo and Karen Ornstein breached their obligations to Teachers4Action and me, by failing to cooperate, breaching confidentiality and taking or engaging in other actions detrimental to Teachers4Action, other members and/or me.
- 6. In particular, without prior notification to and/or consent of the Teachers4Action Executive Committee or me, Marie Addoo and Karen Ornstein, agreed to and did in fact meet with UFT Representative and Individual Defendant Betsy Combier (“Combier”) , who Teachers4Action has learned was sent by Defendant United Federation of Teachers (“UFT”) with the knowledge, assistance and support of Defendant Department of Education (“DOE”) into the Queens “Rubber Room” to, among other things, further harass Teachers4Action members, interfere with Teachers4Action claims and intimidate Teachers4Action members.

7. Teachers4Action, its Executive Committee and I sought, to no avail, to get cooperation from and resolve breaches of obligations by Marie Addoo and Karen Ornstein.
8. Marie Addoo and Karen Ornstein refused to honor their membership and contractual obligations to Teachers4Action and me.
9. I am informed that Teachers4Action Executive Committee unanimously terminated the membership of Marie Addoo and Karen Ornstein.
10. From January / February 2008, Teachers4Action and I have expended and/or incurred significant out of pocket expenses and provided legal and other services, for which Marie Addoo and Karen Ornstein are obligated to but for which they have yet to pay.
11. In view of the foregoing, I pray the Court grant the relief sought in this motion.

**DECLARATION PURSUANT TO 28 USC § 1746**

I hereby declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

Dated: May 29, 2008

/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan Esq.